THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24807 OF 2005

DATED:22.11.2005

Between:

Chandra Naik and others

…Petitioners

And

The Joint Collector, Ananthapur District

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24807 OF 2005

ORDER:

The petitioners are aggrieved by the proceedings of the second respondent confirming the orders of the third respondent. Be it noted that the third respondent after following the procedure contemplated under the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short, the Act), and A.P. Assigned Lands (Prohibition of Transfer) Rules, 1977 (for short, the Rules) came to the conclusion that the petitioners purchased the lands in S.Nos.71-3, 73-2, 75-3 of Mallinayakana Halli Village, Madakasira Mandal, Anantapur District, admeasuring an extent of Acs.6.65 from the original assignees Rama Naik and Bale Naik and therefore the transactions are hit by Section 3(2) of the Act. Accordingly, the Mandal Revenue Officer by proceedings dt.15.12.2001 ordered resumption of the land and re-

assigned to the original assignees/legal heirs of original assignee. The said order was confirmed by second respondent by proceedings dt.20.3.2005. The petitioners approached the Joint Collector by filing a revision petition under Section 4-B of the Act which is still pending. In spite of the same, present Writ Petition is filed.

Learned counsel for the petitioners, Sri P.R.Balarami Reddy, strenuously contends that the petitioners themselves are landless poor persons belonging to Scheduled Tribe and therefore they are entitled for the benefit of sub-section (5) of Section 3 of the Act, and they cannot be evicted removed from the land. Learned Assistant Government Pleader for Revenue (Assignment), however, submits that when the revision petition filed by the petitioners is pending before the Joint Collector, first respondent herein, Writ Petition is not maintainable. He further submits that the ground which is raised before this Court was not taken either before the Mandal Revenue Officer or before the Revenue Divisional Officer.

As rightly submitted by the learned Assistant Government Pleader that when once aggrieved persons have already availed effective alternative remedy provided by the relevant Statute, a Writ Petition cannot be entertained. Therefore, without expressing any opinion on the merits of the case, liberty is reserved to the petitioners to raise all the grounds, if necessary, by filing additional grounds before the first respondent, who is directed to dispose of the revision within a period of four weeks from the date of receipt of a copy of this order. Learned counsel for the petitioners prayed to order status quo regarding possession on the ground that there is groundnut crop in the land. This Court is not impressed with the submission, especially when the petitioners have already availed remedy of revision before the first respondent, and nothing prevented them to obtain orders of status quo from the Joint Collector. If so advised, it shall be open to the petitioners to obtain interim orders from the Joint Collector.

The Writ Petition with the above observations is accordingly disposed of.

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(V.V.S.RAO, J)

22.11.2005

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